



# PUBLIC NOTICE

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**DA 07-2699**

**Released: June 19, 2007**

**COMMENT SOUGHT ON  
THE PETITIONS OF ALLBAND COMMUNICATIONS COOPERATIVE AND  
DIRECT COMMUNICATIONS CEDAR VALLEY, LLC,  
FOR WAIVER OF SECTIONS 36.611 AND 36.612 OF THE COMMISSION'S RULES**

**PLEADING CYCLE ESTABLISHED**

**CC Docket No. 96-45**

**Comment Date: July 19, 2007**

**Reply Comment Date: August 3, 2007**

On September 5, 2006, Allband Communications Cooperative (Allband) filed a Petition for Waiver of sections 36.611 and 36.612 of the Commission's rules.<sup>1</sup> Allband requests that it be allowed to receive immediate high-cost loop support, effective as of the quarter that it begins to provide service to its first customer.<sup>2</sup> Allband further requests that the Commission grant on its own motion any additional waivers of the Commission's rules necessary to expedite Allband's receipt of all federal universal service support and participation in National Exchange Carrier Association (NECA) pools.<sup>3</sup>

On August 11, 2005, the Wireline Competition Bureau (Bureau) granted a request from Allband for waiver of sections 69.2(hh) and 69.601 of the Commission's rules to allow Allband to participate in NECA tariffs and pools.<sup>4</sup> In addition, the Bureau granted Allband waivers of the definition of incumbent local exchange carrier in Part 36 and section 54.5 of the Commission's rules to the limited extent necessary to permit Allband to receive universal service support based on its own costs. The Bureau also

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<sup>1</sup> See Allband Communications Cooperative, Petition for Waiver of Sections 36.611 and 36.612 and Associated Provisions of the Commission's Rules, CC Docket No. 96-45 (filed Sept. 5, 2006) (Allband Petition); 47 C.F.R. §§ 36.611 and 36.612.

<sup>2</sup> Allband Petition at 2.

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Allband Communications Cooperative Petition for Waiver of Sections 69.2(hh) and 69.601 of the Commission's rules*, WC Docket No. 05-174, Order, 20 FCC Rcd 13566 (Wireline Comp. Bur. 2005) (*Allband Order*); 47 C.F.R. §§ 69.2(hh) and 69.601.

granted Allband waivers of certain Commission filing deadlines to ensure that Allband was able to collect access charges and universal service funding in a timely manner.<sup>5</sup>

On August 29, 2006, Direct Communications of Cedar Valley, LLC, (Direct Communications) filed a Petition for Waiver of sections 36.611 and 36.612 of the Commission's rules.<sup>6</sup> Direct Communications requests that it be allowed to receive immediate high-cost loop support, effective as of February 1, 2006.<sup>7</sup>

On November 29, 2005, the Bureau granted a joint request from Direct Communications and Qwest Corporation (Qwest) for a waiver of the study area boundary freeze to allow the territory served by Eagle Mountain City's municipal telephone system to be removed from Qwest's study area, and to allow Direct Communications to establish a new study area in the state of Utah.<sup>8</sup> The Bureau also granted a request from Direct Communications for waivers of sections 69.2(hh) and 69.605(c) of the Commission's rules to allow that Direct Communications become a member of NECA and receive interstate access settlements and universal service support pursuant to the average schedule formulas.<sup>9</sup> In addition, on its own motion, the Bureau granted Direct Communications a waiver of the definition of incumbent local exchange carrier (LEC) in Part 36 and section 54.5 of the Commission's rules to the limited extent necessary to permit Direct Communications to be treated as an incumbent LEC for purposes of calculating universal service support.<sup>10</sup> Finally, the Bureau also granted, on its own motion, waiver of various data filing and certification deadlines to permit Direct Communications to receive, to the extent it is eligible, federal universal service support on the date that it would otherwise be entitled to receive such support.<sup>11</sup>

Interested parties may file **comments on or before July 19, 2007** and **reply comments on or before August 3, 2007**. Comments may be filed using either the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>12</sup>

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<sup>5</sup> *Allband Order*, 20 FCC Rcd at 13566, para. 1; 47 C.F.R. Part 36, §§ 54.5, 54.301(b), 54.314(d), and 54.903(a).

<sup>6</sup> *See* Direct Communications Cedar Valley, LLC, Petition for Waiver of Sections 36.611 and 36.612 of the Commission's Rules; Request for Approval of Related Actions, and Request for Expedited Decision, CC Docket No. 96-45 (filed Aug. 29, 2006) (Direct Petition); 47 C.F.R. §§ 36.611, 36.612.

<sup>7</sup> Direct Petition at 2.

<sup>8</sup> *See Direct Communications Cedar Valley, LLC, and Qwest Corporation, Joint Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules; Petition for Waiver of Sections 69.2(hh) and 69.605(c) of the Commission's Rules*, CC Docket No. 96-45, Order, 20 FCC Rcd 19180 (Wireline Comp. Bur. 2005).

<sup>9</sup> *See id.*

<sup>10</sup> *See id.*

<sup>11</sup> *See id.* Direct Communications had not requested a waiver of sections 36.611 and 36.612 of the Commission's rules at that time. Direct Communications apparently thought that a waiver was not required for it to begin receiving immediate high-cost loop support as an average schedule company. *See* Petition at 2 n.2.

<sup>12</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, CC Docket No. 97-115, Report and Order, 13 FCC Rcd 11322 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C408, Washington, D.C. 20554; e-mail: [gary.seigel@fcc.gov](mailto:gary.seigel@fcc.gov);
- (3) Katie King, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B544, Washington, D.C. 20554; e-mail: [katie.king@fcc.gov](mailto:katie.king@fcc.gov);

- (4) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: [antoinette.stevens@fcc.gov](mailto:antoinette.stevens@fcc.gov); and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

These matters shall be treated as "permit-but-disclose" proceedings in accordance with the Commission's *ex parte* rules.<sup>13</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.<sup>14</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>15</sup>

For further information, please contact Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or TTY (202) 418-0484.

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<sup>13</sup>47 C.F.R. §§ 1.1200 *et seq.*

<sup>14</sup>*See* 47 C.F.R. § 1.1206(b)(2).

<sup>15</sup>47 C.F.R. § 1.1206(b).